



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Kos Kam, Inc.--Reconsideration

File: B-226495.2

Date: June 29, 1987

DIGEST

Request for reconsideration is denied where it merely reiterates prior arguments.

DECISION

Kos Kam, Inc., requests that we reconsider our decision in Kos Kam, Inc., B-226495, May 18, 1987, 87-1 C.P.D. ¶ ____, in which we denied the firm's protest of the award of contract No. N62472-87-C-0296 to Circle A Construction by the Department of the Navy. The contract is to complete construction of a barracks building that had begun under a contract the Navy terminated for default. In its request for reconsideration, Kos Kam challenges our conclusion that the Navy acted properly in negotiating only with Circle A in the reprocurement.

We deny the reconsideration request.

Upon the default of the original awardee, the Navy solicited bids for completion of the barracks. Circle A was the low bidder, with Kos Kam next low. The Navy rejected the bids, however, when the surety agreed to complete the work. When the surety also defaulted, the contracting officer, in order to ensure timely completion of the barracks, decided to solicit an offer only from Circle A.

In our prior decision, we pointed out that where a reprocurement is for the account of a defaulted contractor, statutes and regulations governing regular federal procurements are not strictly applicable. See Hemet Valley Flying Service, Inc., 57 Comp. Gen. 703 (1978), 78-2 C.P.D. ¶ 117. We held that the Navy acted reasonably, in the circumstances, in awarding the contract to Circle A, the low bidder on the canceled solicitation, and in permitting Circle A to make minor price increases to its bid. Even with those small increases, Circle A's contract price still was lower than Kos Kam's bid had been.

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In its request for reconsideration, Kos Kam merely reasserts its contention that the Navy acted unfairly and unreasonably in negotiating only with Circle A. Such reargument, however, does not establish that our decision was legally or factually erroneous. See Buchanan Construction Co.--Request for Reconsideration, B-224171.3, Mar. 19, 1987, 87-1 C.P.D. ¶ 309. Accordingly, we deny the reconsideration request. Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1986).

for Seymour Spies
Harry R. Van Cleve
General Counsel